United Nations A/HRC/34/56/Add.1

General Assembly

Distr.: General
3 March 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur in the field of cultural rights on her mission to Cyprus*

Note by the Secretariat

The Special Rapporteur in the field of cultural rights undertook an official visit to Cyprus from 24 May to 2 June 2016. She addressed key issues related to the right of people to participate in cultural life, including the right to access and enjoy cultural heritage without discrimination and irrespective of group affiliations. She paid particular attention to the impact of the situation in Cyprus on the enjoyment of cultural rights, with a specific focus on obstacles to freedom of movement, interaction between people, access to cultural heritage sites and the legacy of past and ongoing destruction of cultural heritage.

The Special Rapporteur is convinced that a critical task on the road to reconciliation is to assemble a shared narrative and documentary record of past destruction of cultural heritage, in the north and in the south of the island, which entails mutual acknowledgement that there are divergent narratives about that history. Equally crucial are strategies promoting exchanges between people at all levels and not only in official circles, particularly in the field of culture and in academic spheres. Creative, intermediate, shared and widely accessible spaces, venues and engagements are needed for such exchanges.

Many stakeholders in Cyprus from all sides, including at the highest level, have understood the restoration programme of cultural sites as a path towards reconciliation. The Special Rapporteur encourages them to continue and redouble their efforts in that regard, while better integrating the human dimension of cultural heritage in the process. That implies adequately consulting people on their diverse relationships with and interpretations of the sites and on how to restore them. It also entails adopting strategies considering cultural heritage as living heritage, with proper plans for the future use and maintenance of sites in a way that facilitates, and ensures the exercise of cultural rights in dignity.

The report contains recommendations to the Government of the Republic of Cyprus, the Turkish Cypriot authorities and other stakeholders.

* The present document was submitted after the deadline in order to reflect the most recent developments.

GE.17-03497(E)

Please recycle

Report of the Special Rapporteur in the field of cultural rights on her mission to Cyprus**

Contents

		Page
I.	Introduction	3
II.	General context and framework	3
	A. International human rights framework	3
	B. Domestic legal framework and general context	4
III.	Realizing cultural rights in Cyprus: specific issues	6
	A. Impact of the situation in Cyprus on cultural rights	6
	B. Right to self-identification and choice of cultural references	6
	C. Right to access and enjoy cultural heritage	8
IV.	Conclusions and recommendations	16
	A. Recommendations to the Government of the Republic of Cyprus, the Turkish Cypriot authorities and other stakeholders	16
	B. Recommendations to the Government of the Republic of Cyprus	18
	C. Recommendations to the Turkish Cypriot authorities	19
	D. Recommendations to the international community	19

** Circulated in the language of submission only.

I. Introduction

1. The Special Rapporteur in the field of cultural rights visited Cyprus from 24 May to 2 June 2016. The purpose of the visit was to identify, in a spirit of cooperation and constructive dialogue, good practices in and possible obstacles to the promotion and protection of cultural rights in all areas of Cyprus. The Special Rapporteur addressed key issues related to the rights of people to participate in cultural life, including the right to access and enjoy cultural heritage, without discrimination and irrespective of group affiliations.

2. The Special Rapporteur visited various sites of cultural, historical and religious significance, in both the south and north of the island, without any impediment. She met people who had connections with these sites and addressed their human rights with respect to that heritage. In particular, she visited the Apostolos Barnabas and Apostolos Andreas monasteries, the Ayia Marina church in Yialousa/Yeni Erenköy, the Deneia/Denya mosque, the Agia Sofia mosque in Paphos and the Hala Sultan Tekke mosque in Larnaca. She also travelled to Agia Marina/Gürpinar, a village currently under Turkish military control that used to be populated by Maronites and Turkish Cypriots, to the ruins of the Ayia Trias/Sipahi basilica/bazilikasi, to the world heritage site of Paphos and the walled city of Famagusta/Gazimağusa.

3. The Special Rapporteur met government officials at the national and municipal levels, including those in the areas of foreign affairs, culture, cultural heritage, gender equality, human rights and education. In the north of the island, she met with those dealing with foreign affairs, culture, cultural heritage and education. She had thorough discussions with the Technical Committees on culture, cultural heritage, education and gender, with the Office of the Religious Track of the Cyprus Peace Process, the Office of the Commissioner for Administration and Human Rights and the National Committee for the prevention of looting and illegal trafficking of cultural property. She held discussions with artists, academics, educators, civil society representatives, religious leaders, women's human rights defenders and cultural heritage defenders and observed the Nicosia Pride march. The Special Rapporteur thanks all those persons and institutions for the information they shared with her. She also extends her thanks to the United Nations Peacekeeping Force in Cyprus and the United Nations Development Programme (UNDP) for their assistance.

II. General context and framework

A. International human rights framework

4. The Republic of Cyprus has ratified many international human rights instruments, through which it has undertaken to respect, protect and fulfil cultural rights. In particular, article 15 of the International Covenant on Economic, Social and Cultural Rights recognizes the rights of each person to take part in cultural life and to the freedom indispensable for creative activity. Article 13 guarantees the right to education.

5. Cyprus has also ratified the International Covenant on Civil and Political Rights, which protects rights bearing an important cultural dimension, in particular the rights to freedom of thought, conscience and religion (article 18), freedom of opinion and expression (article 19) and the rights of persons belonging to ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language (article 27).

6. The Special Rapporteur stresses the importance of the right to access and enjoy cultural heritage as a human right. That right includes the right of individuals and groups, inter alia, to know, understand, enter, visit, make use of, maintain, exchange and develop cultural heritage, as well as to benefit from the cultural heritage of others. It also includes the right to participate in the identification, interpretation and development of cultural heritage, as well as in the design and implementation of preservation and/ or safeguarding

policies and programmes. Varying degrees of access and enjoyment may be recognized, taking into consideration the diverse interests of individuals and groups, depending on their relationship with specific aspects of cultural heritage (see A/71/317, para. 14 and A/HRC/17/38 and Corr. 1, paras. 78-79). In resolution 33/20 on cultural rights and the protection of cultural heritage, the Human Rights Council stated that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation.

7. In accordance with article 5 of the UNESCO Universal Declaration on Cultural Diversity, all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms. The 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, states that cultural heritage is an important component of cultural identity and of social cohesion, so its intentional destruction may have adverse consequences for human dignity and human rights.

B. Domestic legal framework and general context

1. Relevant domestic provisions

8. The 1960 Constitution of the Republic of Cyprus contains no specific provisions expressly protecting the right to participate in cultural life. However, the provisions regarding, in particular, freedom of movement (article 13), freedom of thought, conscience and religion (article 18), freedom of speech and expression (article 19), the right to education (article 20), freedom of peaceful assembly (article 21), and the right to non-discrimination and equality before the law (article 28), are important for cultural rights.

9. The 1983 "Constitution" currently in use in the north of the island contains express references to cultural rights. In particular, article 62 reproduces the wording of article 15 of the International Covenant on Economic, Social and Cultural Rights and article 59 protects the right to education and training. Further provisions relate to the protection of historical, cultural and natural wealth (article 39), freedoms of movement and residence of citizens (article 22), of conscience and religion (article 23), of thought, speech and expression (article 24), freedom to learn, teach, express and disseminate science and art and to conduct research in those fields (article 25), the rights to publish books (article 28), of assembly and demonstration (article 32), and to equality before the law without discrimination (article 8).

2. The peace talks

10. Through their joint declaration of 11 February 2014, the Greek Cypriot and Turkish Cypriot leaders resumed negotiations towards a united Cyprus and a settlement based on a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions and the high-level agreements. The adoption of a new federal constitution is foreseen.

11. The successful resolution of the conflict is vital to the enjoyment of human rights in Cyprus. The Special Rapporteur also notes that, in keeping with Security Council resolution 1325 (2000), no solution is possible, and certainly none that can guarantee equal cultural rights, if it does not fully integrate women's participation from the very beginning.

12. The Special Rapporteur recognizes the serious legacies of past communal violence, conflict, forced displacement, human rights abuses, discrimination and extreme nationalism. Addressing such legacies is crucial to a long-standing resolution.

Technical committees

13. The peace talks have allowed for the creation of Technical Committees, tasked with building trust, facilitating cooperation between Greek Cypriots and Turkish Cypriots and creating a conducive environment for the talks. This is a highly positive step. The Special

Rapporteur met some members of the Technical Committees on cultural heritage, on education, on culture and on gender, and salutes their work.

Religious Track of the Cyprus Peace Process

14. The Cyprus conflict is not, per se, a religious conflict. Some religious leaders, however, have committed to working together for human rights, peace and reconciliation through the Religious Track of the Cyprus Peace Process, a peacebuilding initiative conducted under the auspices of the Embassy of Sweden.

15. The Religious Track has led to regular meetings of the five main religious leaders of Cyprus (Greek Orthodox, Muslim, Armenian, Latin and Maronite) and enabled important breakthroughs for human rights, including the right to access sites of religious, cultural and historic significance. For example, within its framework, seven special pilgrimages to the Hala Sultan Tekke mosque of persons of Turkish origin residing in the north of Cyprus have been organized since 2014, as well as pilgrimages of orthodox believers to the cathedral of the Apostolos Barnabas monastery located in the north.[1]

16. Various stakeholders repeatedly expressed concerns, however, about any process enhancing the role of religious leaders vis-à-vis others. They stressed the complete lack of women religious leaders (which was explicitly justified to the Special Rapporteur on religious grounds in one instance by a religious leader), the fact that secularism is also an important part of Cypriot culture for many and the existence of many other factors contributing to shaping cultural identities beyond religion. They feared that giving a prominent political role to religious leaders, even for a positive purpose, could marginalize other voices and identities. The Special Rapporteur suggests continuing support for the Religious Track, but emphasizes that it is equally important to promote actively other tracks, in particular in the fields of education and culture. Those too are critical for reconciliation.

3. Governance in the cultural area

17. In the Republic of Cyprus, many institutions defend and promote culture and cultural heritage. However, the divide made between the Department of Antiquities (Ministry of Transport, Communications and Works), and the Cultural Services (Ministry of Education and Culture) risks jeopardizing a cohesive cultural policy by separating cultural heritage and cultural life, and minimizing the human dimension of cultural heritage.

18. The structural reorganization that will ensue in case of a settlement will offer opportunities for fundamental rethinking of this issue and for enhancing links between cultural heritage and cultural life. Experts from all over Cyprus in the field of culture and cultural heritage should be fully consulted about any plan for a new cultural management structure.

4. The impact of the financial crisis

19. The Special Rapporteur expresses concern about the impact on cultural rights of the financial crisis and about financial cuts in the field of culture. She notes with particular concern the lack of sufficient funding for governmental institutions, such as the Department of Antiquities, the Ombudsman and the Cultural Services, as well as cultural authorities in the north. The 45 per cent budget cut to the Department of Cultural Services since 2013 appears disproportionate and risks greatly undermining the enjoyment of cultural rights.

[1] See Office of the Religious Track of the Cyprus Peace Process, available from www.religioustrack.com. See in particular, press releases of 11 June and 15 September 2016.

III. Realizing cultural rights in Cyprus: specific issues

A. Impact of the situation in Cyprus on cultural rights

20. The current political situation creates many obstacles to the enjoyment of cultural rights without discrimination, as well as an over-politicization of cultural heritage and cultural rights-related issues on all sides.

21. Crossing between the north and the south is possible through seven official crossing points (see A/HRC/31/21, para. 30). However, restrictions or obstacles to freedom of movement create many impediments to accessing and enjoying cultural heritage and to meeting and engaging with people from the other side, including through joint social gatherings and cultural events.

22. While there are some positive developments thanks to the peace talks, exchanges and discussions between Greek Cypriots and Turkish Cypriots seem to take place only exceptionally outside official circles. Sporadic exchanges take place in venues such as the Home for Cooperation, situated in the buffer zone, or when people visit their former villages and take part in cultural or religious events there.

23. That division hampers the ability of civil society to make connections across the island. Academics, intellectuals and cultural heritage professionals who would like to exchange or collaborate across the Green Line are unable to do so. For example, in the south, cultural heritage experts are worried about reportedly illegal excavations in the north, with little possibility of obtaining information about the work undertaken and the results achieved. There is a need for structures in which cultural heritage professionals from across Cyprus could come together, share information and cooperate pending a solution.

24. The Special Rapporteur is concerned that discourses of exclusion, hatred or superiority are still purveyed in some quarters on all sides. There are worrying reports of a rise in incidents in the south of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups against persons of foreign origin, Roma, human rights defenders and Turkish Cypriots (see CCPR/C/CYP/CO/4, para. 7, and CERD/C/CYP/CO/17-22, para. 12). The Special Rapporteur expresses particular concern about attacks on cultural events, artists and sites. She notes claims that impunity for such acts is common, due to a lack of prosecution, and that police records may not reflect the extent of racist crime in Cyprus. The police recorded 119 racially motivated incidents between 2005 and 2014.[2] She also notes the assertion of the Government that all such incidents are being investigated and trusts that the results will be acted upon and made public.

25. There are also concerns about the rise of various forms of extremism, including extreme nationalism in both the south and the north, and various voices, including religious leaders, expressed concern that religious fundamentalism could become an issue.

26. Proactive cultural policies must promote the voices of tolerance, present all over Cyprus, and guard against the voices of intolerance. They must insist on the right of all people to express freely their own complex identities, manifest their own cultural practices, have access to and enjoy their own cultural heritage and that of others, and benefit from as many spaces as possible to encounter and interact with each other, in all fields.

B. Right to self-identification and choice of cultural references

1. Beyond bicommunalism

27. According to article 2 (1) of the 1960 Constitution, "the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share Greek cultural traditions or who are members of the Greek Orthodox

[2] European Commission against Racism and Intolerance, "Report on Cyprus", June 2016, paras. 36 and 42.

Church". Likewise, according to article 2 (2), "the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Muslims".[3]

28. The Special Rapporteur concurs with other international and European mechanisms, which consider the rigid classification of all citizens into members of either the Greek Cypriot or Turkish Cypriot "communities" as problematic and not in line with human rights standards (see CERD/C/CYP/CO/17-22, para. 14, and CCPR/C/CYP/CO/4, para. 24).[4]

29. Indeed, article 2 (3) of the Constitution states that all Cypriot citizens, including those from ethnic, linguistic, cultural or religious origins other than the two dominant ones, have to associate themselves formally with one of them. Moreover, other religious groups must also opt collectively to associate themselves with one of the two recognized "communities". Faced with these limited choices, the Armenian Orthodox, the Maronite Catholic and the Roman Catholic ("Latin") Churches in Cyprus have opted to belong to the Greek community (see A/HRC/22/51/Add.1, paras. 14-15).[5]

30. This narrow framework imposes choices about cultural identity and membership in a specific group on people in violation of their cultural rights, in particular the rights of everyone to choose his or her own identity, to identify or not with one or several groups and to change that choice,[6] and to participate or not participate in a given group (see A/HRC/14/36, paras. 10 and 25).[7]

31. Furthermore, such classification risks reducing those not in the categories in question to secondary status and creates a sense of inequality.[8] It is insufficient to characterize the complexity and diversity of Cyprus society, which also includes a mosaic of historic minorities and more newly arrived persons, such as Ahmadis, Alevis, Armenians, Buddhists, Copts, ethnic Greeks from the Black Sea region, Kurds, Latins, Maronites, Roma, Turkish nationals, migrants, refugees and asylum seekers of many nationalities. However, that great diversity is rarely adequately reflected in policies, nor is there space for that lived cultural complexity in the 1960 constitutional framework. There are also many other identities that are cross-cutting, including women, lesbian, gay, bisexual, and transgender persons, persons with disabilities, secularists, people of mixed identities and people who do not wish to identify solely in terms of ethno-religious identity.

32. A specific concern relates to the choice given to women in such matters. Article 2 (7) of the Constitution states that married women shall belong to the "community" to which their husbands belong and that children under the age of 21 who are not married shall belong to the "community" to which their fathers belong. Such a provision clearly violates the right not to be discriminated against based on sex, as enshrined in articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

33. The ongoing peace talks offer an opportunity for discussing how to open spaces for the recognition of diversity and for the participation of all in society without discrimination. As the Special Rapporteur has previously noted, it is important to query the precise meaning of terms such as "community", which are frequently employed without definition, and the routine presumption of the primordial and homogeneous nature of community identities. What may be considered as central in terms of identity from the point of view of "community" leaders may not coincide with the choices and realities of individuals (see A/HRC/31/59, paras. 11-18).

---

[3] See the discussion of the term "community" and some of its implications for cultural rights in A/HRC/31/59, paras. 11-18. The term is used here because it is employed in the 1960 Constitution.

[4] See also Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, "Fourth opinion on Cyprus", March 2015, paras. 11-15.

[5] See also Nikolas Kyriakou and Nurcan Kaya, "Minority rights: solutions to the Cyprus conflict", Minority Rights Group International, 2011.

[6] See Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life, para. 15 (a).

[7] See also Committee on the Framework Convention for the Protection of National Minorities, "Fourth opinion on Cyprus", para. 12.

[8] Ibid., para. 4.

34. The Special Rapporteur hopes that the momentum at the time of drafting of any new constitution will be employed for recognizing a Cypriot identity that transcends "community" affiliations. Thinking beyond bicommunalism is necessary to create a framework incorporating all aspects of contemporary Cypriot society in its full diversity. The Special Rapporteur notes in particular the desire expressed by Maronites and Armenians to be recognized as historical minorities.

2. Policies aimed at shaping cultural identities and references

35. During her visit, the Special Rapporteur regularly heard concerns from Turkish Cypriots regarding the perceived efforts by Turkey to transform their culture and to Islamize their society in ways they felt did not reflect more secular and tolerant local cultural practices. They reported in particular the building of mosques not in keeping with their traditions of architecture, the creation of religious schools with textbooks produced elsewhere and attempts to make religion a mandatory subject in ordinary schools. There should be thorough consultation among Turkish Cypriots, including civil society and women's human rights defenders, about any such policies and their potential impact on cultural rights.

C. Right to access and enjoy cultural heritage

1. Legacy and impact of destruction[9] and looting

36. The UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage defines "intentional destruction" as "an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes a violation of international law or an unjustifiable offence to the principles of humanity and dictates of public conscience". The qualification of intentional destruction may also apply in cases of wilful neglect.

37. The mandate of the Special Rapporteur is not designed to protect culture and cultural heritage per se, but the conditions allowing all people without discrimination to have access to, participate in and contribute to cultural life in a continuously developing manner. Those conditions are greatly jeopardized when cultural heritage is at risk or destroyed. Therefore, prima facie, the destruction of cultural heritage must be considered a violation of cultural rights (see A/71/317, para. 13).

(a) Legacy of past intentional destruction

38. The histories of widespread destruction of cultural heritage in Cyprus during and after the years of conflict are appalling. Many accounts and statistics are available for the harm done to cultural heritage associated with either Greek Cypriot *or* Turkish Cypriot sites. Religious sites, cemeteries as well as entire villages have reportedly been destroyed.[10] However, the Special Rapporteur did not receive encompassing accounts of the overall destruction in all parts of Cyprus, acknowledging at the same time the harm that has been done in both the south and the north. That is why the holistic approach adopted by the Technical Committee on Cultural Heritage is particularly important.

---

[9] The Special Rapporteur notes that in recent years, UNESCO has started to use the term "destructions" in certain circumstances, which underscores the multiplicity and diverse nature of this phenomenon, something she too would like to emphasize in the present report.

[10] See for example, Evaluation Committee for the Cultural Assets in North and South Cyprus, *Destroyed Turkish Villages in South Cyprus* (2009), which details claims of destruction of predominantly Turkish Cypriot villages and cultural heritage sites, primarily between the 1950s and 1970s; and A. Papageorghiou, *Christian Art in the Turkish-occupied Part of Cyprus* (the Holy Archbishopric of Cyprus, January 2010), in which the author alleges systematic destruction of Orthodox Christian churches "after the Turkish invasion in July 1974". See also Miltos Miltiadou and others, "The loss of a civilization. Destruction of cultural heritage in occupied Cyprus" (2012) on Orthodox, Maronite and Armenian churches and monasteries, cemeteries and archeological sites.

39. Cypriots must come together to produce joint documentation of all the destruction that has taken place and to write the history of all the heritage that has been destroyed. That critical task could be performed through a truth commission representative of the diversity of the population of Cyprus. The purpose would be to gather and complete existing documentation, assemble narratives of the losses for all and begin writing a common history, with a view to redressing violations of cultural rights as part of any settlement or thereafter.

40. The destruction of cultural heritage has created huge impediments to the exercise of the right to access and enjoy cultural heritage, and jeopardizes the rights of future generations. Some of the heritage can no longer serve as sources of knowledge and mutual understanding, as places to conduct rituals and cultural practices, or as venues for social interaction or building friendships across groups, irrespective of affiliation.

41. The Special Rapporteur is concerned that one purpose of the patterns of destruction has been to deprive displaced people of anything to which they could return, as well as to erase the history of their presence and claim a monopoly or monolithic identity in particular locales. Displaced people on both sides of the island expressed to the Special Rapporteur their desire to see their heritage restored as a prelude to their ability to return to their former homes, or at least to re-establish relationships with their places of origin.

42. Many cultural heritage sites that the Special Rapporteur visited had been restored or were undergoing restoration. She also visited and was informed of sites that were in a terrible condition, as is the case for many abandoned churches and mosques that are neglected and left exposed to vandalism. She also visited other sites that need further protection, such as the archaeological site of Ayia Trias/Sipahi Basilica/Bazilikasi in the north. For a long time left without any care and exposed to damage from livestock, the site is now guarded and there are projects to protect better the mosaics and remaining structures of this fifth-century site.

(b) Devastating effects of looting on cultural rights

43. An important related issue concerns the looting of artefacts. Sacred objects, icons and frescoes have been removed illegally from abandoned churches in the north and sold on the international market. Looting has been widespread and systematically organized, causing much suffering to people who have seen their churches, museums and archaeological sites completely plundered.

44. The Special Rapporteur salutes the work undertaken by the Department of Antiquities in monitoring the auctions carried out abroad and on the Internet, and their dedication in repatriating items. The legal difficulties, administrative challenges and costs linked with locating and repatriating artefacts are huge. It is difficult, for example, to prove the exact provenance of the items, as archives have been lost or destroyed during looting and as not all items had been registered. Although experts are able to identify cultural heritage of Cyprus, thanks to the specific techniques employed to create the artworks, they are in many cases unable to identify their exact original location, such as specific churches or museums. The Aydin Dikmen case exemplifies these obstacles.[11]

45. The Special Rapporteur also notes information alleging that unregistered collections have been found in the hands of private collectors in the south of the island and abroad.[12]

(c) Changing of cultural landscapes

46. The destruction of cultural heritage has considerably changed the symbolic, historical and cultural landscape in all areas of Cyprus. An additional effort to alter the landscape is the systematic changing of the names of places, streets and villages in the north. Some argue that such changes are part of a nationalistic campaign of ethnic cleansing against Greek Cypriots.

---

[11] See cyprus-mail.com/2015/03/16/cyprus-loses-fight-for-ancient-artefacts.

[12] See cyprus-mail.com/2016/11/12/cyprus-police-coordinated-europe-wide-pandora-operation-hunt-missing-antiquities.

47. The Special Rapporteur is concerned about what she considers a serious effort to destroy intangible cultural heritage, in the sense that the new names do not reflect the complexity and history of the territory and seek to erase part of the past.[13] Most Greek Cypriots and many Turkish Cypriots reportedly reject the use of the new names in practice.

48. The Special Rapporteur also expresses concern, however, about the human rights implications of some aspects of the 2013 Law on the Procedure for Standardization of Geographical Names of the Republic of Cyprus, which criminalize the publication and circulation of material containing place names that are different from those specified in official documents. The law provides for imprisonment and fines, and all related documents are liable to seizure and destruction. Such provision is incompatible with the right to freedom of expression, as found by the Human Rights Committee (see CCPR/C/CYP/CO/4, para. 21). It also unduly impedes the work of cultural heritage professionals.

49. The Special Rapporteur also notes the allegation that some former Turkish Cypriot villages that have been destroyed are no longer on the map used in the south.[14]

(d) Ongoing neglect, destruction and attacks on cultural heritage

50. Destruction of cultural heritage in Cyprus continues today in the form not only of attacks, but also misuse and neglect. Putting an end to such violations is a necessary step towards reconciliation.

In the south

51. The Special Rapporteur visited the Deneia/Denya mosque, an eighteenth-century traditional Turkish Cypriot mosque located near Nicosia. The mosque, damaged during the 1963 armed clashes, was the first site to benefit from emergency measures of restoration conducted under the auspices of the Technical Committee on Cultural Heritage. The mosque stands as a symbol. It is not used any more, as the Turkish Cypriots have been displaced, but is cherished by the local authorities and population as a remembrance of the mixed population that once inhabited the village and as a signal that former neighbours would be welcome to return. Turkish Cypriots come and visit the place two or three times a year, in particular for the annual village celebration, which offers opportunities for mutual exchange and interaction.

52. However, the mosque underwent three recent attacks in 2012, 2013 and again in February 2016, when an arson attack damaged its wooden roof and the books it contained, including Qur'ans, an act which was widely condemned, including at the highest level by the two leaders, as well as the Archbishop of the Church of Cyprus and the Grand Mufti. The Special Rapporteur appreciates that repairs have been carried out expeditiously with government funds. However, while the young perpetrators of the first attack were sentenced to community service, the perpetrators of the latest ones have not been identified. In 2012, arsonists also set fire to the Köprülü Haci Ibrahim Aga mosque in Limassol, an attack that was also condemned by the Government and religious leaders.

53. While she was pleased to hear that government funds are allocated annually to restore and maintain mosques and other Turkish Cypriot sites, the Special Rapporteur also received documentation regarding Turkish Cypriot villages destroyed during the years of conflict and left abandoned. Some mosques, minarets, graveyards, community centres and schools are reportedly now neglected, resulting in further damage. In some cases, mosques are reportedly used as barns and graveyards turned into grazing land for animals.[15]

---

[13] In its bulletin No. 48 on geographical names as cultural heritage (May 2015), the United Nations Group of Experts on Geographical Names stated that "geographical names are addresses, the keys to identifying specific places, but also of irreplaceable cultural value of fundamental importance to local identity, and a person's sense of belonging, and therefore must be protected and preserved".

[14] Evaluation Committee for the Cultural Assets in North and South Cyprus, *Destroyed Turkish Villages in South Cyprus*.

[15] Ibid.

In the north

54. The Special Rapporteur received extensive documentation and testimonies about churches, monasteries, cemeteries and archaeological sites that continue to deteriorate. She visited the Agia Marina church, a small Orthodox church situated in Yialousa/Yeni Erenköy. The church, reportedly like many others in the north, is in a very bad state, with a fragile structure. Once looted, it is now full of rubbish and pigeon droppings and left neglected.

55. The Special Rapporteur also heard concerns expressed by Armenian representatives about, in particular, the state of the Sourp Magar (Magavarank) monastery, dating from the tenth century, which has been left to deteriorate. Some keystones and roof tiles of the building have allegedly been removed intentionally to cause and accelerate the collapse of the building. Concerns were also expressed about, inter alia, the Armenian church in Famagusta/Gazimağusa, which the community cannot access to and take care of, as well as the convent in the Arabahmet church complex, which has not been restored and is home to hundreds of pigeons (although its structure is physically supported to prevent collapse).

56. Many stakeholders expressed concern about the inappropriate use of a number of churches, in particular Orthodox churches, turned, for example, into barns. Such uses not only accelerate the deterioration of the buildings, but are also particularly inappropriate for venues considered sacred by others. The Armenian community also regrets that the Armenian Evangelical church in Nicosia was turned into a bank and then a music school and that two schools of the Arabahmet church complex have been turned into universities, with no mention of their original use. The Special Rapporteur also notes the comments made by cultural heritage professionals and some members of religious groups that in some cases respectful use is, in fact, important in maintaining the buildings.

57. The Special Rapporteur is encouraged by the fact that she also met people in the north, from all backgrounds, who care deeply for cultural heritage, including that of others and of those who had left, for example in the walled city of Famagusta/Gazimağusa.

2. Enhancing the human rights approach to cultural heritage

58. A human rights approach to cultural heritage focuses on the relationships between people and heritage, as well as on the prevention of destruction, education about the importance of the heritage of all and full support for cultural heritage defenders.

(a) The restoration programme as a path toward reconciliation

59. The 2008 agreement between Greek Cypriots and Turkish Cypriots under the auspices of the United Nations paved the way for the establishment of the Technical Committee on Cultural Heritage. The Committee works to provide a mutually acceptable mechanism for the proper preservation, physical protection and restoration of the diverse immovable cultural heritage of Cyprus. It promotes and applies a holistic and bicommunal approach when selecting the monuments to be protected. In doing so, it complements the regular work conducted by the authorities.

60. The Special Rapporteur welcomes such an initiative, which is necessary to pave the way to reconciliation. She salutes the work undertaken so far with the support of the European Union and UNDP. She further appreciates that the mandate of the Technical Committee includes the development of respect for cultural heritage through educational programmes. That is crucial, as the younger generations have not experienced past social interactions, are used to the status quo and are reportedly exposed to narratives of mistrust of others, including through the educational system.

61. Cultural heritage professionals, including the Technical Committee on Cultural Heritage, need full political and financial support to complete their work. The Special Rapporteur was concerned that one Greek Cypriot member of this Technical Committee had reportedly been labelled a Turk in a political cartoon in the media because of his work. Similarly, a Turkish Cypriot member said he had been called a Greek.

(b) Recognizing the diversity of narratives about and relationships with cultural heritage

62. Cultural rights require recognizing the values, identities and relationships with the cultural heritage of all, including through narratives, uses and social practices. Thus, the work undertaken should not only be about restoring buildings, but about allowing social interaction, sharing and acknowledging different histories and memories, caring for each other's cultural heritage as part of a common heritage and indeed recognizing the commonality of that heritage.

63. Controversy always arises about the meaning of cultural heritage, both tangible and intangible. While particular aspects of heritage have special resonance for and connections with specific groups within Cypriot society, it is critical to enhance the notion of the heritage of Cyprus as a whole, or cultural heritage as a shared common good important for all. It is also a key part of the cultural heritage of all humankind. The challenge before Cypriots is to equally embrace the heritage of "the other".

64. That spirit already exists in part, as mentioned above, for example in Deneia/Denya and Famagusta/Gazimağusa, where people have organized to care for the cultural heritage of others, which they also consider to be theirs. Some Muslim and Christian religious leaders are courageously taking part in the religious services of others. The Special Rapporteur also acknowledges the approach adopted by the Department of Antiquities to conserve / restore ancient monuments, irrespective of their specific links with specific groups. She also notes the assurances provided by the Turkish Cypriot authorities that they regard cultural heritage, regardless of its origin, as part of a common heritage for all.

65. In addition, heritage is often a greater reflection of integration of diverse groups than is commonly acknowledged. Relationships with heritage are syncretic, with some churches, such as Apostolos Andreas in the Karpaz peninsula, being not only Christian or Greek Cypriot sites with deep resonance, but also places where Muslim Turkish Cypriots have also come to light candles over many years. Similarly, the Hala Sultan Tekke mosque in Larnaca is not only sacred for Muslims, but contains a tomb where Christians have reportedly prayed to overcome infertility for many years. The Agia Marina/Gürpinar Maronite church situated in the military controlled area includes within its structure an apse where Muslims prayed for many years when they did not have a mosque.

66. The Special Rapporteur visited the Apostolos Andreas monastery, one of the most important Orthodox monuments in Cyprus. An ongoing project aims to restore the site to the closest possible recollection of people who used to visit it. The Special Rapporteur particularly appreciates the joint venture in place, with a mix of Turkish Cypriot and Greek Cypriot architects, engineers and workers. That is a good practice to promote and replicate.

67. Recognizing the diversity of narratives over and relationships to cultural heritage implies ensuring adequate on-site information. However, some sites afford only incomplete or selective information.

68. Another way in which these diversities need to be recognized is through the regular use of multiple languages, the promotion and funding of language teaching and multilingual media, and the use and availability of both Greek and Turkish in all official contexts, as well as in cultural heritage sites. The language barrier was described to the Special Rapporteur as "a huge inhibiting factor for cultural relations."

69. The Special Rapporteur is grateful to officials on both sides of the island seeking to overcome this barrier. She was very pleased to learn of a project in the south to translate Turkish Cypriot authors into Greek, and Greek Cypriot authors into Turkish and publish their works together, which is a positive model.

(c) Adequately consulting people

70. Across the island, there is a lack of consultation regarding the meaning of sites, their restoration and future use. That is to be contrasted with the laudable efforts of some civil society groups, such as the Cyprus Institute, which tries to engender what it calls "community participation" in processes of regeneration of cultural heritage.

71. In the south, for example, while the Agia Sofia mosque in Paphos has been partly restored, the plan so far does not seem to include sanitation facilities, which are particularly important for Muslims in performing ablutions and would have been required had people who might use the site been consulted.[16] The Special Rapporteur is happy to note however that this might be considered in the future.

72. The Special Rapporteur also learnt that the Department of Antiquities has applied to include the Hala Sultan Tekke mosque and its surrounding environment (Larnaca Salt Lakes) on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List. While she understands the good intentions of the project, she was surprised that people having a particular link with the site had not yet been informed or consulted at the time of her visit about such an application, including as to whether they supported the idea of a nomination itself and on the implications the project might have in terms of access to and maintenance of the site. She was pleased to learn that such a consultation is planned.

73. In the north, the restoration of the Armenian Church complex in the Arabahmet district in Nicosia did not involve adequate consultation of the religious leaders and members of the congregation about their needs or their recollection of the place. That has led to problems. For example, the community does not know whether some tombstones with inscriptions and icons, or the sarcophagus of Abbess Eschive de Dampierre were removed from the site before or during the restoration work. They have had no answer from the Turkish Cypriot authorities on this matter. In addition, the church was not restored with white walls as people remember it, which has created a lot of concern among some Armenians. The Special Rapporteur also notes that the Apostolos Barnabas monastery was transformed into a museum, and a coffee shop installed, without any consultation of or information given to the Orthodox Church of Cyprus.

3. Visiting, accessing and using sites

74. Thanks to the opening of the crossings in Cyprus, people have returned to visit their old villages and neighbourhoods, their former churches, mosques and cemeteries. That has afforded opportunities for diverse people to meet, hold discussions, re-establish contacts and relationships and re-humanize each other. Some sites are also used to promote "bicommunal" cultural activities, such as in the restored Othello tower in Famagusta/Gazimağusa, where, for example, the eponymous Shakespeare play was staged in Greek with Turkish subtitles. The play was directed by a Turkish Cypriot and featured a bicommunal cast of Greek Cypriot and Turkish Cypriot actors (see A/HRC/31/21, para. 44).

75. Political, legal and logistical obstacles, however, impede many in the enjoyment of their right to access and enjoy cultural heritage with dignity. The Special Rapporteur notes the impossibility of gaining access to and using churches and other sites located within the buffer zone.

(a) Obstacles in the south

76. Although there is a tendency to consider that issues of access only arise in the north, there are also issues in the south, although they are distinct, of a different nature and of lesser magnitude.

77. On various occasions, officials stressed that there was no restriction concerning access. The Special Rapporteur recognizes the dedication of the authorities to protecting and restoring cultural heritage sites, including those associated with Turkish Cypriots. She was pleased to learn of a significant budgetary allocation, for example in the district of Paphos, for the maintenance and preservation of mosques and Turkish Cypriot cemeteries, and to hear the sincere recognition of the preciousness of those sites by the relevant professionals. However, those efforts should be enhanced by a human rights approach.

[16] The Special Rapporteur takes note of the view of the Department of Antiquities that many religious sites, including churches in the north, may likewise not have sanitary facilities.

78. In particular, the conditions and procedures that must be followed in order to gain access to sites need to be clarified and publicized. That is particularly striking for ancient monuments that are the shared responsibility of the Department of Antiquities (protecting them as monuments) and of their private owners, such as the Evkaf Foundation or the Church of Cyprus (wishing to use them for religious purposes). Due to the current division, the Foundation cannot administer and manage its properties located in the south of the island. The Ministry of the Interior, acting as the guardian of Turkish Cypriot properties, assumes this responsibility, including in terms of financial contributions for restoration works to be undertaken (Law No. 139 of 1991).

79. While the authorities are convinced that access is easy upon simple request to the Department of Antiquities, or the service for the management of Turkish Cypriot properties at the Ministry of the Interior, in practice people are not always aware of the procedures they should follow. For example, the Special Rapporteur was informed of cases in which Turkish Cypriots drove all the way to the Agia Sofia mosque in Paphos to access its important historical cemetery, found the doors closed with no information on how to be granted access and returned home. It is true, however that in other cases, people have been able to visit the mosque without difficulty.

80. The Special Rapporteur also notes that there do not appear to be a significant number of Turkish Cypriots or Turkish speakers working in the service for the management of Turkish Cypriot properties, which can potentially raise obstacles for those seeking information from the service. This may also raise difficulties in terms of understanding the meaning of some sites and organizing access appropriately.

81. Citizens from mainland Turkey who have settled in the north and their descendants cannot cross the Green Line. The Special Rapporteur notes the concern of the Government of the Republic of Cyprus, which regards this as an issue of "occupation" and "illegal colonization"[17] to which article 49 (6) of the Fourth Geneva Convention applies. However, she also notes that such people, including youth born on the island, cannot travel to the south for cultural events or to visit cultural sites without special intervention, as they lack the required documents, and that the long-term consequences of this may be quite negative. The Special Rapporteur notes that several pilgrimages have been organized for them to visit the Hala Sultan Tekke mosque. Those are positive steps and the Special Rapporteur hopes that the limitations on the freedom of movement of these persons will be lifted and that they will be provided with the necessary documentation at the earliest opportunity, so that they can fully and freely access and enjoy cultural heritage.

82. The Special Rapporteur welcomes the efforts of the Department of Antiquities to make cultural heritage accessible to persons with disabilities. She received publications in braille about important sites, such as the House of Eustolios and the theatre in Kourion. She noted ramps in place at the site of the historic mosaics in Paphos and hopes that more will be done in that regard.

(b) Restrictions in the north

83. Crossing the buffer zone to visit sites on an individual basis is reportedly allowed at any time and in both directions for all Cypriot nationals, as long as they have their documents.

84. However, the Turkish Cypriot authorities have put in place restrictive arrangements for collective access. Before the Special Rapporteur's visit, access for religious ceremonies was granted on special dates only, for sites that were considered safe and were located outside a military zone, and were not already used for another purpose. The Special Rapporteur received many testimonies about a lengthy and tedious process of approval that discourages such use and is experienced as humiliating by some. Requests to organize ceremonies need to indicate the place and date, but also the number and identity of all participants, the icons and other religious materials, the identity of vehicles, etc. At the crossing points, every item is checked on the way out and back. Reportedly, authorizations are granted only a few days before the planned ceremony, which causes many

[17] See, for example, A/HRC/22/51/Add.1, para. 55, and CCPR/C/CYP/CO/4, para. 17.

organizational difficulties. Sometimes, demands are rejected with no explanation. The Turkish Cypriot authorities have asserted that they pay particular attention to accounting for the icons to prevent accusations of theft should an icon go missing. The Special Rapporteur on freedom of religion or belief recommended in 2012 that the Turkish Cypriot authorities revise such restrictions in strict compliance with article 18 (3) of the International Covenant on Civil and Political Rights and article 1 (3) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see A/HRC/22/51/Add.1, para. 82), a recommendation with which the Special Rapporteur in the field of cultural rights concurs.

85. During the Special Rapporteur's visit, further restrictions were imposed by the Turkish Cypriot authorities, who reduced the number of authorized ceremonies to only one per year per site (except for three sites: the Apostolas Andreas monastery on the Karpaz peninsula, the Apostolos Barnabas monastery in Famagusta/Gazimağusa, and the Ayios Mamas church in Morphou/Güzelyurt). The Turkish Cypriot authorities shared their concerns with the Special Rapporteur that requests to organize religious services in the north should not be used to promote a political agenda. They further claimed that some Turkish Cypriots were reluctant to have Greek Cypriots organizing religious ceremonies in their villages.

86. Such restrictions raise serious concerns, not only for the enjoyment of the rights of people to access and maintain places of worship, but also about how those places can be a living cultural heritage if people are not permitted to use them. They represent a serious step backwards from previous arrangements, which were, in any case, not in line with international human rights standards.

87. As for all human rights, limitations to cultural rights should be a last resort. As stated in article 4 of the International Covenant on Economic, Social and Cultural Rights, such limitations must be determined by law, pursue a legitimate aim, be compatible with the nature of those rights and be strictly necessary for the promotion of general welfare in a democratic society. Furthermore, freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others (art. 18 of the International Covenant on Civil and Political Rights). Any limitations must be proportionate, meaning that the least restrictive measures must be taken when several types of limitations may be imposed.

88. Great efforts should be undertaken, where needed, to facilitate mutual understanding and confidence-building between villagers and those wishing to exercise their rights to freedom of religion and to enjoy and access cultural heritage. The Special Rapporteur also encourages those seeking to enjoy their cultural rights to do so thoughtfully and with regard for the rights and fears of others, if and when they arise.

89. The Special Rapporteur notes that great confusion still surrounds the level of implementation of the new policy. Reportedly, the new rules have been implemented in a very restrictive and non-transparent manner, as authorizations for access once a year have been granted to a selected number of churches only, while other requests have been turned down without any explanation. On the other hand, she notes information provided by the Turkish Cypriot authorities about the steady rise of authorizations granted for access since 2013, including in 2016, in absolute numbers. She believes that the utmost efforts must be made to depoliticize the issue and to enhance cooperation and good will on both sides.

90. The Special Rapporteur also notes with concern that police officers or guides reportedly monitor access to sites. For example, there are accounts of Armenians being monitored and videoed when accessing the Sourp Magar monastery. While noting the argument made by the Turkish Cypriot authorities that they need to provide security, the Special Rapporteur stresses the potentially chilling effect of such monitoring. Moreover, she was not provided with any examples of security incidents arising from such visits.

91. The Special Rapporteur notes additional unnecessary logistical inconvenience caused to people using the sites. For example, the temporary building and church installed for the local priest next to the Apostolos Andreas monastery for the duration of the

restoration work, had still not been provided with an electricity supply at the time of her visit, despite many requests.

IV. Conclusions and recommendations

92. **What Cypriots collectively and their authorities choose to do on the path towards reconciliation and peace and in their recognition of cultural diversity will shape the cultural rights of all those who inhabit the island for years to come. If positive, open and forward-looking choices are made, they can contribute to a speedier solution, enhance human rights protection and even set an important example for the entire world in turbulent times. The specific recommendations that follow should be understood in this spirit and should be seen as a whole.**

A. Recommendations to the Government of the Republic of Cyprus, the Turkish Cypriot authorities and other stakeholders

93. **All sides must stop politicizing cultural heritage and issues related to cultural rights. Cultural rights should not be used as a weapon against others or as a bargaining chip. The requests made by people to enjoy those rights, in particular their right to access and enjoy cultural heritage, must be heard and understood as human rights claims.**

94. **Pending a final settlement, the utmost must be done to guarantee human rights, including cultural rights. In particular, efforts should be made to open new crossing points and create conditions to enhance the right to freedom of movement of all persons in Cyprus, establish many open and free spaces for mutual interaction and dialogue, especially in the academic, artistic and cultural spheres, and facilitate access to cultural and religious heritage sites.**

Seizing opportunities

95. **The current negotiations and discussions about a solution create an extraordinary opportunity for rethinking certain issues and establishing a new constitutional framework fully respective of human rights. In particular, the Special Rapporteur recommends:**

(a) **That any new constitution specifically incorporate cultural rights, including the right to take part in cultural life without discrimination and the right to access and enjoy cultural heritage. Recognizing the diversity and multiplicity of identities beyond bicommunalism, the new constitution should fully protect the rights of everyone, without any discrimination, to choose his/her own identity, to identify or not with one or several "communities" or groups and to change that choice, and to participate or not participate in a given group. There should be full equality in that regard and the choices of women should not depend on the decisions of their husbands in such matters;**

(b) **Emphasizing the principle of non-discrimination and full equality for all, including women and minorities, with regard to the enjoyment of all human rights, including cultural rights;**

(c) **The undertaking of thorough discussions with the Maronite and Armenian groups, as well as any other relevant groups, regarding their wish to be recognized as minorities, with a view to ensuring their equal cultural rights, including the right to self-definition;**

(d) **A review of the current divide between governmental departments in charge of cultural life and those in charge of antiquities. New arrangements should be explored with thorough consultation of cultural heritage experts. The links between access, preservation and protection of cultural heritage and the rights to take part in cultural activities and to freedom of artistic expression and creativity in a dynamic cultural life should be recognized, protected and enhanced.**

Understanding each other's claims, elaborating a multi-perspective approach and narrative

96. **A critical outstanding task on the road to reconciliation and peace is to assemble a comprehensive and shared narrative of past destruction of cultural heritage, of more recent attacks and of current neglect and, for some, desecration. Writing a common history first entails mutual acknowledgment of the existence and legitimacy of a multiplicity of narratives about the past. Efforts should be made to produce joint documentation of all the destruction that has taken place, perhaps by an independent truth commission with members representing the diverse population and possessing great expertise in cultural heritage and history. Such a commission could make recommendations about reconstruction, use, accountability, memorialization and reparation.**

97. **Consortiums of academics and scholars from across Cyprus could also be usefully created to identify and work on shared research agendas, such as the meaning of cultural heritage, geographical names and the establishment of common maps, history teaching, as well as more technical issues such as excavations. Creative, intermediate, shared and widely accessible spaces, venues and engagements are needed for such exchanges. Political and financial support for such spaces, including those already in existence, such as the Home for Cooperation, is an imperative.**

98. **In both the south and the north, reported efforts to reform history teaching should be continued and accelerated to ensure it is fostering critical thought, analytic learning and debate.[18] It should not simply shape youth in line with either official ideologies or the guidelines of a dominant religion.**

99. **In the south and the north, swareness-raising campaigns and educational programmes, including in schools, should be developed on the meaning and importance of cultural heritage in all its diversity, acknowledging the significance specific sites may have for particular groups of people, all Cypriots and indeed humanity as a whole.**

100. **The Special Rapporteur encourages religious leaders to continue their important efforts for human rights, peace and reconciliation, in particular through the Religious Track of the Cyprus Peace Process. The Religious Track should be supported in thoughtful ways, bearing in mind that many factors other than religion contribute to shaping cultural identities. Hence, great care should be taken to involve women from diverse backgrounds in discussions about peace and reconciliation, and ensure that other marginalized voices, including among the secular, are also able to contribute. Many other tracks should be created, allowing mutual exchanges and understanding in areas other than religion, particularly in the field of culture and education.**

101. **The issue of the change of use of religious sites needs to be discussed, with a view to ending disrespectful use immediately. Other kinds of use should be discussed and agreed upon with the people concerned, including displaced individuals and local populations, taking into consideration multiple narratives around these sites, the right to freedom of religion or belief, the right to access and enjoy cultural heritage and the need to maintain and preserve the sites.**

102. **The Special Rapporteur calls for cultural heritage and culture to be recognized as core, non-optional sectors, and for them to receive the greatest possible funding.**

Supporting the Technical Committees

103. **The Technical Committees should be recognized for their achievements, commitment and expertise, and should receive increased financial and political support. As the pace of reconstruction is slow, parallel programmes allowing groups to initiate and participate in reconstruction efforts should also be put in place, paying particular attention to ensuring that the diverse cultural heritage sites benefit from**

[18] For more detailed recommendations, see A/68/296.

such programmes in an equal manner and that there is full respect for relevant standards in the restoration field and oversight by relevant bodies.

104. **The Special Rapporteur further recommends that:**

(a) **All Technical Committees enhance consultation and joint projects with other Technical Committees, in particular that on gender, which is a cross-cutting issue;**

(b) **The Technical Committee on Cultural Heritage should be supported, fully resourced and commended for its vital contribution to the right to access and enjoy cultural heritage. It should also increase its efforts to consult stakrholders. In particular, groups which have special relationships with certain sites should be fully consulted on the restoration work to be undertaken, the meaning of the site in question and their wishes for future uses, including for cultural and religious purposes. Where a multiplicity of narratives exists regarding a specific site, these should be acknowledged;**

(c) **Restoration projects should be implemented by professionals, workers and business enterprises from both the south and the north, including Greek Cypriots, Turkish Cypriots and others, and in full compliance with restoration standards.**

B. Recommendations to the Government of the Republic of Cyprus

105. **The Special Rapporteur calls on the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Rights of All Migrant Workers and Members of Their Families.**

106. **The Government should also:**

(a) **Pay greater attention to consulting people who have particular connections with specific sites in all restoration programmes;**

(b) **Continue and increase its efforts towards greater access by all to cultural heritage sites, in dignity, ending de facto impediments, including through simplifying processes for accessing particular sites and providing for essential facilities such as water and washrooms in restored mosques;**

(c) **Fully consult with people having a particular link with the Hala Sultan Tekke mosque and its surrounding environment (Larnaca Salt Lakes) prior to any decisions being taken on the application for the UNESCO World Heritage List, including any decision that may ensue regarding the future use and management of the site;**

(d) **Review the Law on the Procedure for Standardization of Geographical Names of the Republic of Cyprus, to ensure that it does not infringe upon the rights to freedom of opinion and expression, academic and scientific freedoms, as well as freedom of movement;**

(e) **Take measures to facilitate greater access by residents of the northern part of the island to the southern part, including citizens from Turkey who have settled in the north and their descendants. The Government should respect visits to sites and pilgrimages as an inextricable part of the rights to access and enjoy cultural heritage and to freedom of religion or belief, whose rank as universal human rights should not be supplanted by citizenship and political issues;**

(f) **Promptly and thoroughly investigate all allegations of racially motivated verbal abuse and physical attacks, including those against Turkish Cypriots, as well as attacks on cultural heritage sites. Those found responsible should be prosecuted and sentenced, as appropriate, to a punishment reflecting the gravity of the offences, with reparation provided to the victims. The Special Rapporteur also urges the Government to take all necessary measures to prevent the occurrence of such acts in**

the future and to conduct public awareness-raising campaigns to promote tolerance and respect for diversity.

C. Recommendations to the Turkish Cypriot authorities

107. **The Special Rapporteur recommends that the Turkish Cypriot authorities revise existing restrictions on the accessibility of religious sites and cemeteries in the north and the holding of religious services to ensure their strict compliance with international standards protecting the right to freedom of religion or belief and the right to enjoy and access cultural heritage, as previously recommended by the Special Rapporteur on freedom of religion or belief in his report of 2012 (A/HRC/22/51/Add/1).**

108. **The Turkish Cypriot authorities should also:**

(a) **Speedily and fairly process requests for the holding of collective religious ceremonies and inform applicants of the reasons for any rejection of their requests. Minimizing the logistical procedures for holding ceremonies would constitute an important step towards the implementation of the rights to freedom of religion or belief and to enjoy and access cultural heritage in dignity;**

(b) **Ensure that the local police do not intimidate those accessing sites, in particular through filming and videotaping;**

(c) **Diligently investigate allegations of vandalism of religious sites and cemeteries, and develop strategies to protect cultural heritage sites, in particular Christian sites, from further deterioration, in consultation with the population concerned;**

(d) **Ensure that people with a particular connection to a cultural heritage site are consulted on the restoration work to be undertaken, the meaning of the site in question and their wishes for future use. Requests made by people to access such sites so as to clean, maintain or restore them, or simply to assess needs, should be handled in a fair and transparent manner;**

(e) **Develop programmes to improve and facilitate, where relevant, good relationships between Turkish Cypriots and people travelling from the south to access and enjoy cultural heritage sites;**

(f) **Facilitate an open and inclusive public debate about the impact on cultural rights of efforts perceived by some as constituting attempts to Islamize Turkish Cypriot society in a manner not in keeping with local practices and human rights, and take effective steps to address concerns identified in the debate.**

D. Recommendations to the international community

109. **The Special Rapporteur recommends that the international community and international organizations:**

(a) **Adopt a human rights approach to cultural heritage issues when supporting projects. That implies in particular adequately consulting people and adopting strategies to ensure that cultural heritage is considered as living heritage, with proper plans for the future use, destination and maintenance of sites;**

(b) **Consider the impact of financial cuts on human rights, in particular cultural rights, in all of its decision-making related to the economy of Cyprus;**

(c) **Pay more attention to the impact of looting of cultural assets on the human rights of people, in particular their right to freedom of religion or belief and their right to enjoy and access cultural heritage, and increase assistance to the Government of the Republic of Cyprus in their efforts to repatriate trafficked objects.**